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5 DINA RAE RICHARDSON, individually and  
6 on behalf of all others similarly situated,  
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8 Plaintiff,

No. C 16-06772-WHA

9 v.  
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11 INTERSTATE HOTELS & RESORTS, INC.,  
12 a Delaware corporation; INTERSTATE  
13 MANAGEMENT COMPANY, LLC, a  
14 Delaware corporation; and DOES 1 through  
50, inclusive,

**ORDER RE ATTORNEY'S  
FEES AND COSTS**

15 Defendants.  
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17 Class counsel seek attorney's fees in the amount of \$266,666.67 from a total settlement  
18 of \$800,000, as well as reimbursement for litigation expenses in the amount of \$127,666.44. In  
19 light of the large percentage of attorney's fees counsel seeks to be awarded from the  
20 settlement amount (almost 40% of the total settlement once the requested expenses have been  
21 deducted), counsel need to further justify both their requested attorney's fees and their litigation  
22 expenses. While further justification would likely not be necessary in a settlement of this size  
23 had the percentage of attorney's fees been much a smaller percentage (such as 25%), 40% does  
24 require further justification.

25 The current documentation submitted with class counsel's motion for attorney's fees and  
26 expenses is inadequate because it does not enable the Court to determine whether or not such a  
27 high request is reasonable. For example, the declaration of Matthew J. Matern lists all  
28 individuals who billed time to this matter, their rates, and their sum total of hours spent on each  
categorical task but provide no additional information. Likewise, the declaration lists expenses

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1 related to this litigation, for which class counsel now seek reimbursement, in addition to  
2 attorney's fees, but without further detail.

3 Class counsel must provide an itemized accounting for unreimbursed expenses, such as  
4 expenses currently listed as "Expert Services," "Employee Reimbursement," and "Court  
5 Reporter." Within each category, each itemized expense must be listed, including date,  
6 description, and cost. Professional fees may be broken down into separate categories if counsel  
7 deems appropriate. The date, description, and cost for each expense incurred, such as the fee  
8 paid to an expert to produce an expert report on a specific issue, must be listed for all  
9 professional fees. A declaration including this information must be filed by **JANUARY 24** at  
10 **NOON**.

11 Also by **JANUARY 24** at **NOON**, class counsel must file and serve a detailed declaration,  
12 organized by discrete projects, breaking down all attorney and paralegal time sought to be  
13 recovered. For each project, there must be a detailed description of the work, giving the date,  
14 hours expended, attorney name, and task for each work entry, in chronological order. A  
15 "project" means a deposition, a motion, a witness interview, and so forth. It does not mean  
16 generalized statements like "trial preparation" or "attended trial." It includes discrete items like  
17 "prepare supplemental trial brief on issue X." The following is an example of time collected by  
18 a project.

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PROJECT: ABC DEPOSITION (2 DAYS IN FRESNO)					
	Date	Time-keeper	Description	Hours x	Rate = Fee
4	01-08-01	XYZ	Assemble and photocopy exhibits for use in deposition.	2.0	\$100 \$200
5	01-09-01	RST	Review evidence and prepare to examine ABC at deposition.	4.5	\$200 \$900
7	01-10-01	XYZ	Research issue of work-product privilege asserted by deponent.	1.5	\$100 \$150
8	01-11-01	RST	Prepare for and take deposition.	8.5	\$200 \$1700
9	01-12-01	RST	Prepare for and take deposition.	<u>7.0</u>	\$200 <u>\$1400</u>
10	Project Total:			<u>23.5</u>	<u>\$4350</u>

11        All entries for a given project must be presented chronologically one after the other, *i.e.*,  
 12 uninterrupted by other projects, so that the timeline for each project can be readily grasped.  
 13 Entries can be rounded to the nearest quarter-hour and should be net of write-down for  
 14 inefficiency or other cause. Please show the sub-totals for hours and fees per project, as in the  
 15 example above, and show grand totals for all projects combined at the end. Include only entries  
 16 for which compensation is sought, *i.e.*, after application of “billing judgment.” For each  
 17 project, the declaration must further state, in percentage terms, the proportion of the project  
 18 directed at issues for which fees are awardable and must justify the percentage. This percentage  
 19 should then be applied against the project total to isolate the recoverable portion (a step not  
 20 shown in the example above).

21        A separate summary chart of total time and fees sought per individual timekeeper (not  
 22 broken down by project) should also be shown at the end of the declaration. This  
 23 cross-tabulation will help illuminate all timekeepers’ respective workloads and roles in the  
 24 overall case.

25        The declaration must also set forth (a) the qualifications, experience and role of each  
 26 attorney or paralegal for whom fees are sought; (b) the normal rate ordinarily charged for each  
 27 in the relevant time period; (c) how the rates were comparable to prevailing rates in the  
 28 community for like-skilled professionals; and (d) proof that “billing judgment” was exercised.

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1 On the latter point, as before, the declaration should describe adjustments made to eliminate  
2 duplication, excess, associate-turnover expense, and so forth. These adjustments need not be  
3 itemized but totals for the amount deleted per timekeeper should be stated. The declaration  
4 must identify the records used to compile the entries and, specifically, state whether and the  
5 extent to which the records were contemporaneous versus retroactively prepared. It must state  
6 the extent to which any entries include estimates (and what any estimates were based on).  
7 Estimates and/or use of retroactively-made records may or may not be allowed, depending on  
8 the facts and circumstances.

9       Ordinarily, no more than one attorney and one paralegal need be present at a deposition;  
10 more will normally be deemed excessive. Ordinarily, no more than one attorney need attend a  
11 law-and-motion hearing; more will normally be deemed excessive. To allow for symmetry,  
12 however, the award will take into account the staffing used by the opposing party.

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**IT IS SO ORDERED.**

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Dated: January 17, 2019.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE